

REMARKS

Claims 1-26 are pending in the present application. Claims 1-4, 6-9, 11, 13, 15-23, and 25-26 have been rejected with claims 5, 10, 12, 14, and 24 have been objected to.

Claim Rejections: 35 U.S.C. § 112

Applicant appreciates the withdrawal of this ground of rejection.

Claim Rejection: 35 U.S.C. § 102(e)

The Office has rejected claims 1-4, 6-9, 11, 13, 15-23, and 25-26 under 35 U.S.C. § 102(e) as being anticipated by Schweikert (U.S. Published Application No. 2003/006218), for the reasons noted on pages 2-3 of the Office Action. Applicant respectfully traverses this rejection.

The Office argues that Schweikert anticipates these claims because of the device depicted in Figures 1, 2, and 4-9 and the accompanying description in the specification, including paragraph [0042]. Applicant disagrees that the Office has met its burden of substantiating anticipation of the rejected claims by showing that Schweikert teaches each and every element of the claims.

The rejected claims 1-4, 6-9, 11, 13, and 15-17 contain the limitation that the identification device contains a member, protrusion, or other means for engaging the hose clamp. The Office inherently acknowledged that Schweikert does not teach such a feature when only objecting to claims 5, 10, 12, and 14, rather than rejecting them.

Method claim 18 contains the limitation of installing, removing, or interchanging an identification marker on the hose clamp without interfering with the hose. The Office has not substantiated that Schweikert discloses such a limitation. Indeed, it would be difficult for the Office to make such an argument in light of paragraph [0033] of Schweikert which describes that to remove the information ring 110, the conduit 160 is severed by cutting so that the information ring 110 can be removed and then a new information ring 110 can be provided.

Method claims 19-26 contain the limitation of attaching an identification marker to a hose clamp. The Office has also not substantiated that Schweikert describes such a limitation. Indeed, it would be difficult for the Office to make such an argument in light of paragraph [0033], as described immediately above. Further, since the Office has recognized that Schweikert does not disclose engaging the identification member to the hose clamp, how could the Office argue that Schweikert describes attaching the identification ring to the hose clamp? In other words, if there is no engagement, there can be no attachment.

Thus, the Office has not shown that Schweikert anticipates each and every limitation in the rejected claims. Accordingly, Applicant requests withdrawal of this ground of rejection.

Allowable Subject Matter

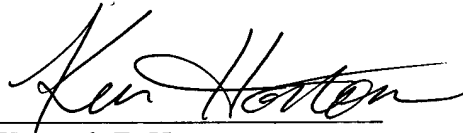
Applicant appreciates the acknowledgement that claims 5, 10, 12, 14, and 24 contain allowable subject matter and would be allowed if amended to contain the limitations from those claims from which they depend. Applicant has elected to not amend claim 10 since it was already an independent claim.

CONCLUSION

For the above reasons, Applicant respectfully requests withdrawal of the pending grounds of rejection and allowance of the pending claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Ken Horton", written over a horizontal line.

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